

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SCOTT JASON TILLIS,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:10CV214 RWS
)	
METROPOLITAN POLICE)	
DEPARTMENT OF THE)	
CITY OF ST. LOUIS, et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO RESUME PLAINTIFF'S DEPOSITION

COME NOW Defendants the Board of Police Commissioners, Chris Goodson, Julius Hunter, Todd Epstein, Vincent Bommarito, Mayor Francis Slay, Daniel Isom, Antoinette Filla, John Hayden, Stephen Pollihan, David Heath, Joseph Mokwa, Harry Hegger, Stephen Hobbs, Christopher Smith, William Brush, Adrienne Bergh, Brian Hosie and William Kiphart, by and through their undersigned counsel, and pursuant to Federal Rule of Civil Procedure 30(d)(1), respectfully request that this Court permit Defendants to resume taking the deposition of Plaintiff Scott Tillis. In support of this motion, Defendants state as follows:

1. Plaintiff filed his Complaint in this matter on or about February 5, 2010. Plaintiff's Complaint was 29 pages in length and included 23

exhibits. (#1). The Complaint asserted eight claims against the St. Louis Board of Police Commissioners and 13 individual defendants. *Id.*

2. The parties have conducted written discovery and to date Defendants have produced approximately 3000 pages of documents. Plaintiff has also produced additional documents in the case.

3. Pursuant to proper notice, Defendants took the deposition of Plaintiff on June 11, 2013. The parties concluded that portion of the deposition at approximately 6:35 P.M. (Tillis Deposition transcript, Volume II, Exhibit A hereto, p. 317). It was the general agreement of the parties at that time that the deposition had been approximately 7 hours in length.

4. Nonetheless, the parties at that time agreed to resume the deposition on an agreed date and time in the future. (Ex. A, p. 317).

5. Subsequent to that agreement, Plaintiff advised Defendants' counsel that he would not voluntarily appear to resume the deposition, citing the seven hour limit set forth in Federal Rule of Civil Procedure 30(d)(1).

6. Due to the breadth of Plaintiff's allegations, the large number of Defendants, in the case, and the number of documents in the case, it was simply impossible to fairly examine Plaintiff within the seven hour time limit¹. Defendants' counsel's best estimate is that to fairly examine Plaintiff

¹ While Plaintiff is prone to giving long answers, Defendants are not asserting that Plaintiff delayed or impeded the deposition in any inappropriate manner.

will require an additional one to four hours².

7. Defendants will be severely restricted in their ability to file an appropriate dispositive motion and to defend the case at trial unless they are permitted to conclude Plaintiff's examination.

8. Defendants' motion is not filed for the purposes of delay or for any improper purpose.

WHEREFORE, Defendants the Board of Police Commissioners, Chris Goodson, Julius Hunter, Todd Epstein, Vincent Bommarito, Mayor Francis Slay, Daniel Isom, Antoinette Filla, John Hayden, Stephen Pollihan, David Heath, Joseph Mokwa, Harry Hegger, Stephen Hobbs, Christopher Smith, William Brush, Adrienne Bergh, Brian Hosie and William Kiphart respectfully request that this Court order Plaintiff to appear to resume his deposition and grant any further relief the Court deems just and proper.

² Defendants' counsel estimated at the deposition that he could conclude the deposition in an hour and fifteen minutes. (Ex. A, p. 317). Subsequent review of the transcript and other deposition materials leads Defendants' counsel to believe that concluding Plaintiff's examination may take longer

Respectfully submitted,

CHRIS KOSTER

Attorney General

/s/ Robert J. Isaacson

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed and served via U.S. Mail, postage pre-paid, this 20th day of August, 2013, to:

Scott Jason Tillis
9875 Medford Drive
St. Louis, Missouri 63136
Plaintiff pro se

/s/ Robert J. Isaacson

than that initial estimate.